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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,285	06/26/2000	Vincent James Gatto	PM 268477	5162

7590 10/05/2004

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EXAMINER

TOOMER, CEPHIA D

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Allowability

Application No.

09/604,285

Examiner

Cephia D. Toomer

Applicant(s)

GATTO ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed June 14, 2004 and Supplemental Declaration.
2. ☒ The allowed claim(s) is/are 22,23,25-40,42-52 and 56-81.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 3 papers.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Cephia D. Toomer
Primary Examiner
Art Unit: 1714

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ken Colton on March 4, 2004.

The application has been amended as follows:

In the specification, at page 2, column 1, after the title, insert --- -

This application 09/604,285, filed June 26, 2000, is a continuation of application 09/359,770, filed July 22, 1999, now U.S. RE 37,363 E, and each are reissues of U.S. Patent No. 5,650,381, which issued from application Ser. No. 08/559,879, filed November 20, 1995. ----

Claims 1-21 (canceled).

Please add the following claims.

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IN THE CLAIMS:

These reissue claims presented replace all prior listings of claims.

22. (Amended) A lubricating composition comprising:

a major amount of lubricating oil,

at least one oil soluble molybdenum compound that is free of phosphorus and free of active sulfur, and

at least one oil soluble secondary diarylamine,

wherein the ratio of molybdenum provided by said oil soluble molybdenum compound relative to said oil soluble secondary diarylamine is about 0.02 to 0.6 parts by weight molybdenum per part of said secondary diarylamine, said oil soluble secondary diarylamine is present in an amount of about 750 to about 5,000 parts per million of said lubricating composition, said oil soluble molybdenum compound and said secondary diarylamine are present in an effective antioxidant amount, provided said oil soluble molybdenum compound is present in an amount so as to provide greater than about 100 ppm molybdenum based on the weight of said lubricating composition.

23. (Amended) A lubricating composition comprising:

a major amount of lubricating oil,

at least one oil soluble molybdenum compound that is free of phosphorus and free of active sulfur, and

at least one oil soluble secondary diarylamine,

wherein the ratio of molybdenum provided by said oil soluble molybdenum compound relative to said oil soluble secondary diarylamine is about 0.02 to 0.6 parts by weight molybdenum per part of said secondary diarylamine, said oil soluble molybdenum compound is present in an amount to provide about 100 to 450 parts per million of molybdenum based on the weight of said lubricating composition, provided said oil soluble secondary diarylamine is present in an amount equal to, or greater than, from about 750 ppm based on the weight of said lubricating composition.

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24. (Canceled)

25. (Previously pending) A lubricating composition according to claim 23, wherein the amount of said secondary diarylamine is about 750 to 5,000 parts per million of said lubricating composition.

26. (Previously pending) A lubricating composition according to claim 22 or 23, wherein the amount of said oil soluble secondary diarylamine is from 1,000 to 4,000 parts per million.

27. (Previously pending) A lubricating composition according to claim 22 or 23, wherein the amount of said oil soluble secondary diarylamine is from 1,200 to 3,000 parts per million.

28. (Previously pending) A lubricating composition according to claim 22 or 23, wherein molybdenum is present from about 0.040 to 0.4 parts by weight molybdenum relative to said oil soluble secondary diarylamine.

29. (Previously pending) A lubricating composition according to claim 22 or 23, wherein molybdenum is present from about 0.05 to 0.3 parts by weight of molybdenum relative to said oil soluble secondary diarylamine.

30. (Previously pending) A lubricating composition according to claim 22 or 23, wherein the molybdenum compound is at least one of molybdenum naphthenate, molybdenum octoate or molybdenum 2-ethylhexanoate.

31. (Amended) A lubricating composition according to claim 22 or 23, wherein the quantity of molybdenum is from 100 to 250 parts per million (by weight).

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32. (Previously pending) A lubricating composition according to claim 22 or 23, wherein the quantity of molybdenum is from 125 to 250 parts per million (by weight).

33. (Previously pending) A lubricating composition according to claim 22 or 23, wherein the molybdenum compound is a molybdenum carboxylate.

34. (Amended) A lubricating composition according to claim 33, wherein the carboxylate has from 4 to 30 carbon atoms.

35. (Previously pending) A lubricating composition according to claim 33, wherein the molybdenum carboxylate is that of an aliphatic or cycloaliphatic acid having from 4 to 18 carbon atoms.

36. (Previously pending) A lubricating composition according to claim 33, wherein the carboxylate is that of a monocarboxylic aliphatic or cycloaliphatic acid having an alkyl group of from 6 to 18 carbon atoms.

37. (Amended) A lubricating composition according to claim 33, wherein the carboxylate is that of a fatty acid.

38. (Previously pending) A lubricating composition according to claim 37, wherein the fatty acid has 6 to 14 carbon atoms.

39. (Previously pending) A lubricating composition according to claim 22 or 23, wherein said oil soluble molybdenum compound is obtained from a molybdenum source and an active hydrogen compound, said molybdenum source is selected from the group consisting of ammonium molybdates, molybdenum trioxide, and molybdenum acetylacetonates, and said active hydrogen compound is selected from the group consisting of alcohols, polyols, primary amines, secondary amines, polyamines, phenols, ketones, and anilines.

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40. (Previously pending) A lubricating composition according to claim 22 or 23, wherein said oil soluble molybdenum compound is at least one glycol molybdenum complex.

41. (Canceled)

42. (Previously pending) A lubricating composition according to claim 22 or 23, wherein said oil soluble molybdenum compound is at least one organic amide molybdenum complex.

43. (Previously pending) A lubricating composition according to claim 22 or 23, wherein said oil soluble molybdenum compound is a molybdenum complex obtained by reacting a fatty oil, diethanolamine and molybdenum source.

44. (Previously pending) A lubricating composition according to claim 22 or 23, wherein said oil soluble molybdenum compound is obtained by reacting a molybdenum source with a fatty acid and a 2-(2-aminoethyl)aminoethanol.

45. (Previously pending) A lubricating composition according to claim 22 or 23, wherein the secondary diarylamine has from 6 to 30 carbon atoms in each of the aryl groups.

46. (Previously pending) A lubricating composition according to claim 22 or 23, wherein the secondary diarylamine is of the formula:



wherein R¹ and R² each independently represent an aryl group having from 6 to 30 carbon atoms.

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47. (Previously pending) A lubricating composition according to claim 46, wherein at least one of said aryl groups has from 7 to 20 carbon atoms.

48. (Previously pending) A lubricating composition according to claim 46, wherein each of the aryl groups of the amine is selected from phenyl, naphthyl, alkphenyl and alknaphthyl wherein the alkyl portion has from 4 to 18 carbon atoms.

49. (Previously pending) A lubricating composition according to claim 46, wherein both aryl groups are alkaryl having from 7 to 20 carbon atoms.

50. (Amended) A lubricating composition according to claim 46, wherein each aryl group is alkphenyl having from 4 to 18 carbon atoms in each alkyl group.

51. (Previously pending) A lubricating composition according to claim 22 or 23, wherein said lubricating composition further comprises at least one of the following additives: a dispersant; a detergent; and a zinc dihydrocarbyl dithiophosphate.

52. (Previously pending) A method for improving the antioxidancy and friction properties of a lubricant adapted for use in lubricating an internal combustion engine which method comprises including in the lubricant a molybdenum compound which is free of phosphorus and is free of active sulfur, said molybdenum compound providing about 100 to 450 parts per million of molybdenum to the lubricant and about 750 to 5000 parts per million of an oil soluble secondary diarylamine.

53. (Canceled)

54. (Canceled)

55. (Canceled)

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56. (Previously pending) A method for lubricating an engine comprising adding a lubricating composition of claim 22 or claim 23 to said engine.

57. (Previously pending) An engine lubricated according to the method of claim 56.

58. (Previously pending) A lubricating composition according to claim 22, wherein said oil soluble molybdenum compound is a molybdenum carboxylate or an organic amide molybdenum complex.

59. (Previously pending) A lubricating composition according to claim 22, wherein said oil soluble molybdenum compound provides greater than about 104 ppm of molybdenum.

60. (Previously pending) A lubricating composition according to claim 22, wherein said oil soluble molybdenum compound provides greater than 156 ppm molybdenum.

61. (Previously pending) A lubricating composition according to claim 22, wherein said oil soluble molybdenum compound provides 468 ppm molybdenum.

62. (Previously pending) A lubricating composition according to claim 22, wherein said lubricating composition is free of a supplemental antioxidant selected from the group consisting of sulfurized phenols, sulfurized olefins, dialkyl dithiocarbamates, and phenothiazines.

63. (Previously pending) A lubricating composition according to claim 23, wherein said lubricating composition is free of a supplemental antioxidant selected from the group consisting of sulfurized phenols, sulfurized olefins, dialkyl dithiocarbamates, and phenothiazines.

64. (Currently Amended) A lubricating composition comprising:

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a major amount of lubricating oil,

at least one oil soluble molybdenum carboxylate compound that is free of phosphorus and free of active sulfur and provides about 104 to 468 ppm of molybdenum based on the weight of the lubricating composition, wherein the carboxylate anion has from 4 to 30 carbon atoms,

at least one oil soluble secondary diarylamine comprising an alkylated diphenyl amine,

wherein the ratio of molybdenum provided by said oil soluble molybdenum compound relative to said oil soluble secondary diaryl amine is about 0.02 to 0.6 parts by weight molybdenum per part of said secondary diarylamine, and provided said oil soluble secondary diarylamine is present in an amount equal to, or greater than, about 750 ppm based on the weight of said lubricating composition.

65. (Previously pending) A lubricating composition according to claim 64, wherein said oil soluble molybdenum compound provides between 104 and 156 ppm of molybdenum.

66. (Previously pending) A lubricating composition according to claim 64, wherein said oil soluble molybdenum compound provides 468 ppm molybdenum.

67. (Previously pending) A lubricating composition according to claim 64, wherein said lubricating composition is free of a supplemental antioxidant selected from the group consisting of sulfurized phenols, sulfurized olefins, dialkyl dithiocarbamates, and phenothiazines.

68. (Previously pending) A lubricating composition according to claim 64, wherein the molybdenum compound is at least one of molybdenum naphthenate, molybdenum octoate or molybdenum 2-ethylhexanoate.

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69. (Previously pending) The lubricating composition according to claim 64, wherein the amount of molybdenum is up to about 450 ppm.

70. (Previously pending) The lubricating composition according to claim 64, wherein the amount of molybdenum is from 125 ppm to 250 ppm.

71. (Previously pending) The lubricating composition according to claim 64, wherein said oil soluble secondary diarylamine is present in an amount of about 750 to about 5,000 parts per million of said lubricating composition.

72. (Previously pending) The lubricating composition according to claim 64, wherein the ratio of molybdenum provided by said oil soluble molybdenum compound relative to said oil soluble secondary diaryl amine is about 0.04 to 0.4 parts by weight molybdenum per part of said secondary diarylamine.

73. (Previously pending) The lubricating composition according to claim 64, wherein the ratio of molybdenum provided by said oil soluble molybdenum compound relative to said oil soluble secondary diaryl amine is about 0.05 to 0.3 parts by weight molybdenum per part of said secondary diarylamine.

74. (Previously pending) A method for lubricating an internal combustion engine comprising adding a lubricating composition of claim 64 to said engine.

75. (Amended) An internal combustion engine lubricated according to the method of claim 74.

76. (Previously pending) A lubricating composition consisting essentially of:
a major amount of lubricating oil; and
an antioxidant combination that consists essentially of:

at least one oil soluble molybdenum compound that is free of phosphorus and

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free of active sulfur, and
at least one oil soluble secondary diarylamine,
wherein the ratio of molybdenum provided by said oil soluble molybdenum compound
relative to said oil soluble secondary diarylamine is about 0.02 to 0.6 parts by weight
molybdenum per part of said secondary diarylamine, said oil soluble secondary diarylamine
is present in an amount of about 750 to about 5,000 parts per million of said lubricating
composition, provided said oil soluble molybdenum compound is present in an amount so as
to provide greater than about 100 ppm molybdenum based on the weight of said lubricating
composition.

77. (Previously pending) The lubricating composition according to claim 76,
wherein said oil soluble secondary diarylamine consists essentially of an alkylated diphenyl
amine.

78. (Previously pending) The lubricating composition according to claim 76, wherein
in said oil soluble molybdenum compound is a molybdenum carboxylate compound in
which the carboxylate anion has from 4 to 30 carbon atoms.

79. (Previously pending) The lubricating composition according to claim 76, wherein
said oil soluble secondary diarylamine is present in an amount of about 1,000 to 4,000 parts
per million.

80. (Previously pending) The lubricating composition according to claim 79, wherein
said oil soluble secondary diarylamine is present in an amount of 1,200 to 3,000 parts per
million.

81. (new) A lubricating composition comprising:
a major amount of lubricating oil,
at least one oil soluble molybdenum compound that is free of phosphorus and free of
active sulfur, and

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at least one oil soluble secondary diarylamine,

wherein the ratio of molybdenum provided by said oil soluble molybdenum compound relative to said oil soluble secondary diarylamine is about 0.02 to 0.6 parts by weight molybdenum per part of said secondary diarylamine, wherein said oil soluble molybdenum compound is present in an amount to provide greater than about 100 parts per million of molybdenum based on the weight of said lubricating composition, provided said oil soluble secondary diarylamine is present in an amount up to 5,000 ppm based on the weight of said lubricating composition.

2. The following is an examiner's statement of reasons for allowance: applicant has shown that unexpected results are obtained when the claimed molybdenum compound and the diarylamine are used in a lubricating oil composition in a ratio of about 0.02 to 0.6 parts by weight of the molybdenum compound to the diarylamine. The molybdenum is present in an amount from 100 ppm up to 450 ppm and the diarylamine is present in an amount from about 750 to about 5000 ppm.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cephia D. Toomer whose telephone number is 571-272-1126. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cephia D. Toomer
Primary Examiner
Art Unit 1714

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